

UNITED STATES OF AMERICA,)	
Plaintiff,)	
)	
vs.)	Civil Action No. CV-75-S-666-S
)	
JEFFERSON COUNTY, ALABAMA, <i>et al.</i> ,)	
Defendants.)	
_____)	
JOHN W. MARTIN, <i>et al.</i> ,)	
Plaintiffs,)	
)	
vs.)	Civil Action No. CV-74-S-17-S
)	
CITY OF BIRMINGHAM, ALABAMA, <i>et al.</i> ,)	
Defendants.)	

This case is before the court on the following motions: (1) Jefferson County’s motion for emergency appointment to the position of Licensed Professional Counselor at Cooper Green Mercy Health Services Clinic (“Cooper Green Clinic”);¹ (2) Jefferson County’s motion for reconsideration of this court’s February 19, 2013 order denying the County’s motion to exclude the Cooper Green Clinic from the temporary order governing hiring decisions that was entered on February 13, 2013;² and (3) Jefferson County’s motion to seal the declaration of Rowan Wilson, filed by the Martin-Bryant parties in opposition to Jefferson County’s motion for emergency

² Doc. no. 1788. The February 19, 2013 order was doc. no. 1785. The February 13 order was doc. nol. 1780.

appointment.³

In accordance with the court's oral comments at the hearing held on February 27, 2013, it is ORDERED that Jefferson County's motion for reconsideration is DENIED. The court's February 13 and February 19 orders remain in full force and effect.

Jefferson County's motion for emergency appointment also is DENIED. The court instead adopts the alternative procedure proposed by the Martin-Bryant parties in their response to the motion for emergency appointment.⁴ Accordingly, it is ORDERED as follows:

- (1) Jefferson County must immediately identify all persons who served as a Licensed Professional Counselor (or an equivalent position such as Licensed Clinical Social Worker or Clinical Psychologist) at Cooper Green Hospital at any point during the years 2011-12, including each person's gender, race, contact information, and — to the extent possible — resume, qualifications, and work history.
- (2) If Cooper Green Hospital employed any Licensed Professional Counselors (or other equivalent positions) during 2011-12, other than

³ Doc. no. 1792. The affidavit of Rowan Wilson was filed as doc. no. 1791.

⁴ See doc. no. 1790 (opposition to motion for emergency appointment), at 10-11.

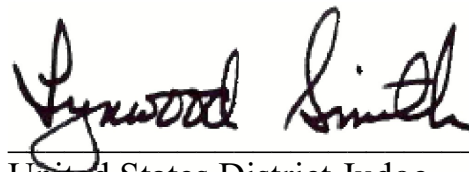
Katy Vines, the Martin-Bryant parties and/or the United States shall be allowed five (5) days to attempt to contact those persons to determine whether they have any interest in the position. The Martin-Bryant parties and/or the United States should also contact Katy Vines to determine if she remains interested in the position.

- (3) If other individuals previously employed at Cooper Green Hospital are interested in the position, the County should fill the position on a temporary basis, not to exceed six months, by lottery selection among all interested persons, including Katy Vines.
- (4) If no other previous employees of Cooper Green Hospital are interested in the position, or if Cooper Green Hospital did not employ any other Licensed Professional Counselors (or equivalent positions) during the 2011-12 period, then the County is authorized to employ Katy Vines on a temporary basis, not to exceed six months.
- (5) If neither Katy Vines nor any other previous employee of Cooper Green Hospital remains interested in the position, then the procedures set forth in this court's previous orders shall apply.
- (6) When the County receives a certification list from the Personnel Board for this vacancy, it shall select from among the certified applicants by

lottery.

Finally, Jefferson County's motion to seal the declaration of Rowan Wilson is DENIED. Even so, the Clerk of Court is directed to redact all references to the personal cellular telephone number of Assistant Jefferson County Attorney Theo Lawson from the exhibits to the declaration of Rowan Wilson.

DONE this 1st day of March, 2013.

A handwritten signature in black ink, appearing to read "Lynwood Smith", is written over a horizontal line.

United States District Judge